

REMARKS

The Examiner rejected claims 1-7, 9-10, 31, 34-40 and 42-45 under 35 U.S.C. §103(a) as being unpatentable over PCT Publication No. WO 00/78080 to Sevanto *et al.* in view of U.S. Patent No. 6,744,767 to Chiu *et al.* The Examiner rejected claims 8, 21, 25, 41, 46, 51 and 53 under 35 U.S.C. §103(a) as being unpatentable over Sevanto in view of Chiu, and further in view of U.S. Patent No. 6,621,793 to Widegren, rejected claims 14, 20, 22 and 47 under 35 U.S.C. §103(a) as being unpatentable over Sevanto in view of Chiu and further in view of PCT Publication No. WO 00/10357 to Haumont, and rejected claim 26 under 35 U.S.C. §103(a) as being unpatentable over Sevanto in view of Widegren.

The Examiner stated in the June 16, 2009, Final Action that:

Claims 48-50 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. (Final Action, page 17)

Applicants amended independent claim 1 to recite the features recited in allowable claim 50. Applicants similarly amended independent claims 25, 26, 31 and 34, 54, 58 and 62. Applicants also cancelled claim 50.

Allowable claim 1 thus recites “[a] method, comprising: determining a type of an access network via which a service is to be provided to a user equipment; sending from a gateway to a policy control entity a message including an indication of the type of the access network via which the service is to be provided; receiving at the gateway from said policy control entity a message indicating a traffic flow control policy decided on the basis of information regarding the type of the access network; and enforcing at the gateway in the provisioning of said service via said access network the traffic flow control policy, wherein said access network is located between the user equipment and the gateway.” Independent claim 1 and the claims depending from it are therefore patentable over the cited art.

Amended independent claims 25, 26, 31, 34, 54, 58 and 62 recite “determining a type of an access network via which a service is to be provided to a user equipment; sending from a

gateway to a policy control entity a message including an indication of the type of the access network via which the service is to be provided; receiving at the gateway from said policy control entity a message indicating a traffic flow control policy decided on the basis of information regarding the type of the access network; and enforcing at the gateway in the provisioning of said service via said access network the traffic flow control policy, wherein said access network is located between the user equipment and the gateway,” or similar language. Accordingly, for reasons similar to the reasons that independent claim 1 is allowable, independent claims 25, 26, 31, 34, 54, 58 and 62, and the respective claims depending from them, are patentable over the cited art.

In view of the foregoing amendments, Applicants submit that the pending claims are in condition for allowance.

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below. The Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 39700-613001US/ NC40049US.

Respectfully submitted,

Date:

Sept. 17, 2009

Ido Rabinovitch

Ido Rabinovitch
Reg. No. L0080

Address all written correspondence to
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
One Financial Center
Boston, Massachusetts 02111
Customer No. 64046
Telephone: 617-348-1806
Facsimile: 617-542-2241

4715458v.2